

CHAPTER 7 REGULATION OF ADULT ENTERTAINMENT ESTABLISHMENTS

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5-7-1 PURPOSE AND GENERAL OBJECTIVES. In adopting this Chapter, it is recognized that adult entertainment establishments have certain objectionable side effects which render those adult facilities incompatible with residential and family-oriented uses when the adult establishments are located directly adjacent to such uses. This ordinance seeks to ensure that residential and family-oriented uses, and adult entertainment establishments, will be located in separate and compatible locations. It is a subject of legitimate concern for the City to use its zoning powers to preserve the quality of life, preserve the City's neighborhoods, and to effectively meet the increasing encroachments of urbanization upon the quality of life within the City.

5-7-2 DEFINITIONS. The following words and phrases whenever used in the ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "Adult Movie Theater" shall mean an enclosed building used for presenting motion picture films, DVDs, videocassettes, cable television, or any other visual media, distinguished or characterized by emphasis on matter depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" as described below, for observation by persons therein. For purposes of this section, the size and description of the viewing room shall not affect characterization of the building as a theater; however, nothing in this section shall be deemed to regulate the viewing habits of persons in the privacy of their homes.

2. "Adult Bookstore" shall mean a retail store for the sale, rental, or exchange of books, magazines, videocassettes, or DVDs, distinguished or characterized by primary emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" as defined below. Adult bookstores do not include businesses which sell, rent or exchange such videocassettes or DVDs as a sidelight or adjunct to sales or rental of videocassettes or DVDs not relating to "specific sexual activities" or "specified anatomical areas."

3. "Adult Entertainment Facility" shall mean a building in which:

- a. Entertainers routinely remove all or portions of their clothing as a part of their performance, regardless of whether the business has a license to sell alcohol; or
- b. Entertainers allow patrons to observe "specific sexual activities" or "specified anatomical areas" involving such entertainers.

c. For the purpose of this section, an entertainer shall be a person who either works as an employee of the business, is an agent of the business, or is an independent contractor who has been hired or is allowed by the business to perform for the apparent pleasure or gratification of the patron.

d. Examples of adult entertainment facilities would include, but not be limited to, gentlemen's clubs, strip bars, "full-nudity" juice bars, and nude modeling clubs.

4. "Specific Sexual Activities" shall mean:

a. Human genitals in a state of sexual stimulation or arousal;

b. Acts of actual or simulated human masturbation, sexual intercourse or sodomy;

c. Fondling or other touching of human genitals, pubic region, buttock or female breast;
and

d. Minors engaged in a prohibited sexual act or simulation of a prohibited sexual act.

5. "Specified Anatomical Areas" shall mean:

a. Less than completely and opaquely covered human genitals, human buttocks, or human female breast below a point immediately above the top of the areola; and

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

5-7-3 RESTRICTIONS ON LOCATION OF ADULT MOVIE THEATERS, ADULT BOOKSTORES AND ADULT ENTERTAINMENT FACILITIES.

1. Adult movie theaters, adult bookstores and adult entertainment facilities are prohibited in any B-1, R-1, R-2, R-3 and residential PUD zones.

2. No adult movie theater, adult bookstore or adult entertainment facility shall be located within five hundred (500) feet of any other adult movie theater, adult bookstore, or adult entertainment facility.

(Ord. No. 1053, 03-17-08)